

3/12/12 (3)

From: Kim Gorman
Sent: Thursday, February 23, 2012 2:01 PM
To: Building Department; Fire Department; Engineering Department; Planning Department; Design Review Board
Cc: Tom Tidman; Cheryl Frazier
Subject: Revised Plans - 40 Sudbury Road SP
Importance: High

Hello,

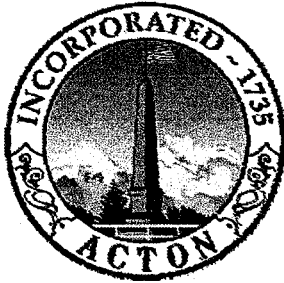
We have received another set of revised plans and written documentation for the Site Plan Special Permit (#07/16/11-433) 40 Sudbury Road.

Below is the link to view the documents -

<https://doc.acton-ma.gov/dsweb/View/Collection-4706>

Please forward your comments to Roland Bartl in the Planning Department no later than Tuesday, March 6, 2012.

Sincerely,
Kim



Planning Department

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6631
Fax (978) 929-6340
planning@acton-ma.gov

MEMORANDUM

To: Board of Selectmen

Date: December 8, 2011

Updates: March 7, 2012

From: Roland Bartl, AICP, Planning Director *R. B.*

Subject: Site Plan Application #07/16/11-433

Location: 65 Powder Mill Road (aka 40 Sudbury Road)
Map/Parcel: J-3/59
Applicant/Owner: Old Mill Development Trust (Bertolami), 6 Proctor St., Acton
Engineer: Acton Survey & Engineering, Inc.
Previous Site Plan: #01/06/99-368 issued 04/27/99, extended/amended 01/26/04
(now expired, not implemented)
Zoning: Powder Mill (PM) District as the relevant zoning district
(Also on the lot: Flood Plain District (76% of lot area);
Groundwater Prot. Dist. Zones 2 & 3)
Lot Area: +/-5.16 acres
Other: Wetlands (46% of lot area)
Conservation Restr./Canoe Landing Easmt. (+/-3.6 acres)
Developable Site Area: +/-1.03 acres
Proposed Gross/Net Floor Area: 2500/1790 square feet
Proposed Floor Area Ratio (FAR): 0.04
Proposed Uses: Automobile repair and/or building trade shop
1st Hearing Date: 12/19/11 (continued w/o discussion from 09/12 and 10/03/11)
3/7 **Open Hearing Continued:** 01/27/12 and 03/13/12
Decision Due: 03/18/12; **Extended to 06/11/12**

Below are the Planning Department comments. Please review comments from other departments, boards and agencies. Also, the information package includes a letter from the facilities manager of the abutting property at 30 Sudbury Road.

1. The hearing was originally scheduled on September 12, 2011. Without hearing or discussing evidence, the hearing was twice continued to December 19, 2011. The reason for the continuance was to give the applicant time to resolve a zoning compliance problem. The matter has now been resolved through a variance from the Board of Appeals (ZBA Decision #11-14 enclosed in package).

2. The original submission was received on 7/6/11. Partially revised materials were received on 11/17/11. Please review both. For instance, the application form and architectural plans are only in the original submission.
3. The proposed building is on high ground outside of flood plain, wetlands, and wetlands buffers.
4. With the ZBA variance granted, the lot and the proposed building appear to comply with the dimensional and parking requirements of the zoning bylaw.
5. However, the proposed vehicle repair facility cannot be allowed. Prior the filing of the application in July 2011, Acton Town Meeting adopted in April 2011 a new Groundwater Protection District Zone 2 delineation for the Assabet Well Fields consistent with the DEP certified Zone 2. This new delineation brings most of the lot and the proposed building location into Zone 2 (previously Zone 3), where vehicle repair or body shop is a prohibited use (Zoning Bylaw, Table 4.3.7.2, line 3). Acton zoning does not provide for use variances.
6. The alternative proposed use, a building trade shop, is allowed in Zone 2 subject to a prohibition on the use and storage of hazardous materials.

3/7

Based on review comments by the DRB, the applicant is also considering a mixed use application for the building – "...workshop/trade shop on first floor with a residential unit above and includes an additional basement office."

These uses or mixtures of uses are allowed by right under zoning in the Powder Mill District and in Groundwater Protection District Zone 2, in which this property is located; and they all should be possible with the building and site plan generally as proposed (Under site plan special permit, the Board, while cognizant of the proposed and possible range uses, does not approve or disapprove uses that the zoning bylaw allows by right).

The septic system as presently proposed does not support any residential use. According to the Health Director, the system would have to be re-designed. The Health Department has not been contacted in this matter.

I have informed the Fire Chief about the extended range or mix of proposed or possible uses. The applicant's engineer suggests in his 2/22/12 letter notes that a meeting was held with the Fire Chief, and that the Board could expect additional comments from the Chief. At the time of this writing, I have not received any new comments from the Chief.

7. Access is proposed Sudbury Road via a recorded easement.
8. I defer to the Engineering Department to see how the proposed drainage design matches up with the Groundwater Protection District - Zone 2 requirements.
9. The 20-day appeals period on the ZBA's variance will not be over at the time of the site plan hearing. Therefore, unless a further hearing continuation seems necessary for other reasons, I recommend taking the matter under advisement subject to learning the status of the variance after the end of the appeals period. By the time the Board will vote on a permit decision appeals on the variance, if any, will be known.

3/7

The package for the continued hearing includes additional materials from the applicant's engineer in an effort to address outstanding questions (AWD position re: groundwater protection district location; structural/geotech/engineering re: design on slope; fire protection; DRB review/input):

- 1. letter dated 2/22/12***
- 2. plan set with 2/22/12 revisions on selected sheets***
- 3. copy of letter to Chris Allen, Water District Manager***

4. letter dated 3/6/12 (with structural/geotech review by Kanayo Lala, dated 2/27/12)

From the Town's agencies the following memos are in the package:

Water District Manager (2/16/12)

Engineering Department (2/28/12)

Building Commissioner (3/5/12)

DRB (review 2/15/12)

I do not know if the applicant has reached some consensus, agreement, or appeasement with the abutter since the last hearing session.

Recommendation: Close hearing; write and issue decision with conditions regarding any outstanding issues (give staff guidance on what the Board considers outstanding). I think that engineering, building, health, and zoning/planning staff can take it from here.

cc: Engineering Department
Health Department

I:\planning\site plan\433, 65 powder mill road.review-revised.doc



DRB Memorandum

Project: 40 Sudbury Road, Acton MA

Architectural Proposal: E. J. Rempelakis, Assoc.

Engineering Proposal: Acton Survey & Engineering, Inc.

Developer: Leo Bertolami, Old Mill Development Trust

Architecture Drawing Date: 02-14-12

Date of DRB Review: 02-15-12

The DRB met with proponent Leo Bertolami on the above date and thanked him for preparing conceptual sketches in advance of our meeting.

The DRB makes the following comments:

- The project is essentially a mixed-use, 2-story structure with a workshop/ building trade shop on the first floor with a residential unit above and includes an additional basement office.
- In keeping with the proposed residential character of the building, the DRB recommends an architectural-shingle roof treatment. The proponent indicated the siding of the building will be Hardee Plank or equivalent. The DRB notes garage doors on the new structure will not be visible from any point in Acton due to project placement near Concord/Maynard/Sudbury line and the long access driveway.
- The proposed use does not contain a Body Shop as was previously proposed as the site is located in an Aquifer Protection Area.
- The DRB recommends placing landscape plantings around the building foundation sides that can be seen by the users of the adjacent office building. Additionally, the DRB recommends minimal site clearing for the building footprint as feasible to minimize the cutting of mature trees on site.
- In terms of parking, the DRB suggests implementing a driveway/parking layout that permits easy access for vehicle ingress/egress to the building garage spaces.
- The DRB also suggests a simple shed entry canopy over the one pedestrian door for improved pedestrian visibility and access.

The DRB thanks Mr. Bertolami for his attendance and openness in discussion. We believe this project, in small scale, represents the direction for future mixed-use development in Acton, as recommended in recent Acton 2020 findings. The DRB finds this project, with its recommendations herein; follow both the letter and spirit of the 2011 Design Review Guidelines for the Town. Please contact us with any further questions or concerns.

Respectfully Submitted,

Design Review Board

Members in attendance: Conor Nagle, PE; Kim Montella, PE; David Honn, RA; Ann Sussman, RA; DRB BoS Liaison: David Clough

Christine Joyce

From: Roland Bartl
Sent: Monday, March 05, 2012 5:15 PM
To: Christine Joyce
Subject: FW: Revised Plans - 40 Sudbury Road SP

Importance: High

This (below) from Frank for site plan #433 (Leo) - hearing continuation

Roland Bartl, AICP
Planning Director
472 Main Street
Acton, MA 01720
(978) 929-6631

From: Frank Ramsbottom
Sent: Monday, March 05, 2012 5:04 PM
To: Roland Bartl
Subject: FW: Revised Plans - 40 Sudbury Road SP
Importance: High

Roland

RE 40 Sudbury Road revised plans. I have no comment at this time However you has specifically indicated that concerns had been raised concerning the retaining wall / foundation.

This will be addressed when a building permit is applied for. In short the following is the procedure for a construction project like this.

- 1) A structural engineer will be required for the design.
- 2) After a permit is issued a structural engineer will be required to provide onsite control of the work to verify that the work conforms to the approved plans.
- 3) At the conclusion of the work a signed and stamped affidavit will be supplied by the engineer certifying that the work conforms with the design and all code requirements prior to the issuing of a certificate of occupancy by this office.

When we refer to construction control by a licensed professional this is in essence the procedure we are referring to.

If you have any more questions please feel free to ask.

Frank Ramsbottom
Building Commissioner
Town of Acton, MA
472 Main Street, 01720
Phone # 978-929-6633
Fax # 978-263-9630

Christine Joyce

From: Robert Craig
Sent: Thursday, March 08, 2012 9:35 AM
To: Roland Bartl
Cc: Christine Joyce
Subject: RE: site plan #433 (40 Sudbury/65 Powder Mill Rd)

Hi Roland,

Thanks for your patience, I am dealing with a family medical situation this and meant to get this to you earlier this week. However, in response, I did receive and read Mr. Donohoe's letter of February 22, 2012. As noted, I did meet with him and subsequently visited the proposed site on two occasions as well as the adjacent apartment complex in Concord. This was as a result of Mr. Donohoe's reference to possible alternative access and his references to fire hydrants in the adjacent apartment complex that might be utilized. I found the following. The primary access to the proposed structure is through a parking lot which at present does not appear to be utilized. As such, we could access the site of the proposed structure, however once at the site turning apparatus around may be difficult if the parking lot is in use. This may not be the case if the parking lot is not in use or at night. Further, as indicated by Mr. Donohoe the adjacent road could be used as a secondary access to the proposed structure provided we have a mild winter such as we just had with no snow banks and provided that no fencing or barriers are erected between the two lots. Relative to fire hydrants, as shown and as I found, the closest Acton hydrant is down on Sudbury Road, approximately 1000 feet away which is excessive. I also investigated the possibility of utilizing fire hydrants in the apartment complex and several hydrants would be somewhat closer to the proposed structure but would be difficult to access and utilize requiring the laying of hoses by apparatus through and across parking lots, across two access roads and then across the same land buffer between the two adjacent lots and with the same concerns as noted above. This would not be acceptable. All this to say, that a fire hydrant should be located closer to this structure. I did note that a letter has been sent to the Acton Water District, although I have no further information or have had no further contact relative to this request.

Bob

From: Roland Bartl
Sent: Wednesday, March 07, 2012 1:39 PM
To: Robert Craig
Cc: Christine Joyce
Subject: RE: site plan #433 (40 Sudbury/65 Powder Mill Rd)

PS:

Originally, the proposed use was auto related. This, we had to nix because of the groundwater protection zoning.

Then it became a possible building trade shop with maybe some office space. Now the possibility of an apartment or is also thrown into the mix. All of these are possibilities under zoning, and they really don't change much how the site plan works - at least in my mind. But, I am telling you this, because it may affect how you look at it from with respect to fire protection needs.

Roland Bartl, AICP
Planning Director
472 Main Street
Acton, MA 01720
(978) 929-6631

From: Roland Bartl
Sent: Wednesday, March 07, 2012 1:34 PM
To: Robert Craig
Cc: Christine Joyce
Subject: site plan #433 (40 Sudbury/65 Powder Mill Rd)

Hi, Bob:

Leo's engineer wrote on 2/22 that you have met with him on 2/14 regarding fire protection matters related to this site plan (access, fire hydrant location, etc.). Do you have any final input to the Board of Selectmen before they continue the hearing on Monday, March 13?

Roland Bartl, AICP
Planning Director
472 Main Street
Acton, MA 01720
(978) 929-6631

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9628
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Engineering Department

INTERDEPARTMENTAL COMMUNICATION

To: Planning Department

Date: February 28, 2012

From: Engineering Department

Subject: Site Plan Special Permit 7/6/2011 – 433 – 40 Sudbury Road, Acton MA

We have reviewed the above-mentioned revised Site Plan Special Permit application for 40 Sudbury Road, dated July 5th, 2011 with revision dates of November 16th, 2011, January 4th, 2012, January 19th, 2012 and February 22nd, 2012. We have accepted the response to all of comments in our previous memo dated January 20, 2012.

Cc: Cheryl Frazier, Building Department

Commissioners

Ronald Parenti
Leonard Phillips
Stephen Stuntz

District Manager

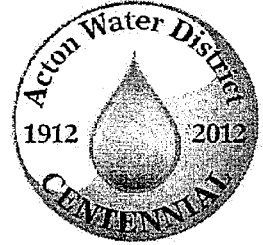
Christopher Allen

Finance Committee

Charles Bradley
David Butler
William Kingman

Water Supply District of Acton

693 Massachusetts Avenue
P.O. Box 953
Acton, Massachusetts 01720
(978) 263-9107
www.ActonWater.com



February 16, 2012

Mark T. Donohoe, PE
Acton Survey & Engineering, Inc.
PO Box 666
Acton, MA 01720

Dear Mark:

Thank you for the opportunity to comment on the project at 40 Sudbury Road, Acton, MA. Given that there is no proposal to connect to our distribution system, we have no comment on proposed infrastructure installation. I had heard that this was being considered, but, at this time, assume it is not feasible.

The only comment that we will offer is to emphasize that the site is in the GWPD Zone II for the Assabet Wells off High St. in Acton. These wells comprise approximately 35% of our capacity, and, thusly, are critical components of our system. Furthermore, our ability to accomplish our mission would be severely impacted should they be contaminated.

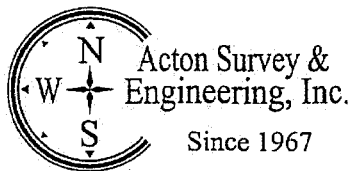
Thank you, again, for the opportunity to provide comment. Please contact me with any further information that you may require.

Respectfully,

A handwritten signature in black ink, appearing to read "Chris Allen".

Chris Allen
District Manager

cc—Town of Acton Board of Selectman



PO Box 666, 97 Great Road, Suite 6
Acton, MA 01720
Phone: 978-263-3666 Fax: 978-635-0218
actonsurvey@actonsurvey.com

ASE 6055

March 6, 2012

Acton Board of Selectmen
472 Main Street
Acton, MA 01720

Re: 40 Sudbury Road a/k/a 65 Powder Mill Road
SPSP 7/6/20-433

Dear Board Members:

Please find enclosed Mr. Lala's letter of February 27, 2012 concerning his structural and geotechnical review of our client's proposed project at 40 Sudbury Road. Mr. Lala's letter reinforces Item 23 of the Engineering Department's IDC stating that a complete analysis should be deferred to the building permit phase.

A copy of Water District Manager Chris Allen's letter of February 16, 2012 is also enclosed.

Please inform us if any other correspondence concerning this project have been received or if we may provide the Board and Staff with any other information.

Very truly yours,

Mark T. Donohoe, PE
for: Acton Survey & Engineering, Inc.

cc: Leo Bertolami
Richard A. Nysten, Esq.
Town Planner

KANAYO LALA, P.E.
BSCE, M.ASCE, M.NSPE, M.SEI, M.I.E.(India), M.AMWS, M.ACI
FOUR WEST ROAD
WEST ACTON, MA 01720
LIC.# 33710-C(MA), 9227(NH), 84611(NY), 32768(VA), 7736(VT)
<https://sites.google.com/site/kanayolalape/>

February 27, 2012

Building Inspectional Services & Zoning Department
472 Min Street
Acton, MA 01720

Attn.: Mr. Frank Ramsbottom
Building Commissioner

Re: 40 Sudbury Road

Dear Mr. Ramsbottom:

As required by the Board of Selectmen, I provide below my structural and geotechnical review of this proposed project and its location on the existing slope:

The existing conditions:

The present topography shows an average slope of 5% in the front (south) of the property where the front yard is to be located with subsurface utilities. The sloping portion of the lot in the north of the property the average slope is 50% (1V:2H). The soils are well drained mostly sands with gravel, stones and boulders as per deep-hole tests done so far. More tests will be needed to establish the plane of failure.

Proposed Project:

The proposed structure is to be partially located in the front portion of the lot. The back wall of the structure will be supported on the foundation to be placed on the virgin soils deep enough below the frost level and also below the line of un-stability.

I am licensed in Commonwealth of Massachusetts as Civil Engineer since 1988 and have been practicing in all engineering fields for the building structures to my best abilities which include mostly structural engineering, geotechnical studies and reports for the foundation designs. Foundation design requires studies of the soils and I am licensed Soil Evaluator in the Commonwealth of Massachusetts.

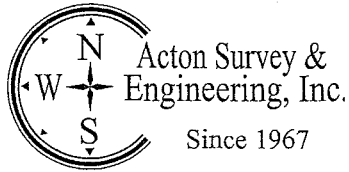
Please do not hesitate to contact me if any additional information is needed.

Sincerely,

Kanayo Lala



Kanayo Lala
cn=Kanayo Lala, o, ou,
email=kanayolala@gmail.com, c=US
2012.02.27 22:05:26 -05'00'



PO Box 666, 97 Great Road, Suite 6
Acton, MA 01720
Phone: 978-263-3666 Fax: 978-635-0218
actonsurvey@actonsurvey.com

ASE 6055

February 22, 2012

Acton Board of Selectmen
472 Main Street
Acton, MA 01720

Re: 40 Sudbury Road a/k/a 65 Powder Mill Road
SPSP 7/6/2011-433

Dear Board Members:

Please find enclosed 3 full-size and 1 reduced scale copies of revised Site Plans for our client's proposed building off Sudbury Road. An electronic copy of the plans is also enclosed.

The purpose of this letter is to summarize the efforts that have been made to resolve the Board's concerns as we understand them.

Access – Fire Protection

A meeting was held with Chief Craig on February 14, 2012, at which the availability and suitability of the driveway serving the abutting apartment complex in Concord was discussed along with the availability of a fire hydrant in that complex.

The size of the proposed building, having a floor area under 7500 square feet, is not required to be served by a sprinkler system.

Chief Craig informed us that he would visit the site and report to the Board.

Structural Design

On behalf of our client we have submitted plans to a structural engineer for review to allow assurances to be presented to the Board that the proposed structures can be designed and that their stability will not be compromised by the topography and proposed use of the site.

Design Review Board

It is our understanding that our client has met with the Design Review Board and presented the attached sketch plans prepared by this office that show the building on the site being utilized for studios/workshops, with a dwelling unit on a second floor as allowed by 3.5.6.

The proposed building is over 600 feet from Powder Mill Road, over 400 feet from Sudbury Road, and over 100 feet from the nearest portion of the Northstar Building.

Our client reported that the Design Review Board appeared to have no concerns pertaining to the appearance of the project and will inform your Board of their findings.

Parking Analysis

An alternative parking analysis has been added to the Detail Site Plan for the various uses proposed and allowed under the Bylaw.

The analysis shows that the required number of parking spaces is provided.

Acton Water District – Groundwater Protection District

We wrote the Acton Water District on February 13, 2012 and requested that they inform the Board of any concerns related to a portion of the site being contained in a Zone II of a Public Water Supply.

Water Supply

Alternative water supplies, consisting of a possible connection to the water distribution system in Sudbury Road and a possible onsite well, are shown on the Detail Site Plan.

If an onsite well is used, we expect that it will be a well point extending into the water bearing strata at the level of the regional groundwater table, and will require a small track mounted drilling rig to install.

Response to Engineering Department IDC Dated 1-20-12

We will respond utilizing the number system of the IDC.

The statement “No response necessary” means that the IDC of 1-20-12 indicates that the comments of previous IDCs were found to have been satisfied by discussions with the Engineering Department on January 9, 2012 and the revisions to the Plans submitted prior to that meeting.

3. No response necessary.

8. Alternative water supplies are being proposed and as noted above a meeting was held with the Fire Chief and a letter was written to Acton Water District.

10. A note stating that elevations refer to NGVD 1929 and referencing the starting Benchmark is contained on the Detail Site Plan. It is agreeable that two Benchmarks shall be established on the site prior to construction. The two Benchmarks shown on the plan have been removed and it can be assumed that any Benchmark placed well in advance of the initial project layout will also be lost.

11. The door from the basement level is to remain for emergency purposes only.

14. A reference to the estimated high groundwater table [EHGWT] has been added to the Storage/Recharge Systems Detail on the Site Details sheet. The elevation of the bottom of each system has also been added to demonstrate that the systems are a minimum of 2 feet above EHGWT.
15. No response necessary.
16. No response necessary.
17. A detail has been added to the Site Details sheet to show how the driveway high point is to be graded.
18. No response necessary.
20. No response necessary.
21. No response necessary.
23. The IDC recommends that it would be appropriate for structural analyses be performed when a building permit is filed. Due to the Board's concerns the matter has been submitted to a structural engineer for appraisal.
24. No response necessary
25. No response necessary
26. The EHGWT has been added to the Storage/Recharge Systems Detail.
27. No response necessary
28. No response necessary
30. No response necessary
31. No response necessary
32. No response necessary
35. No response necessary.
38. See Item 23 above.
41. No response necessary

Need for Project

At the last hearing the Board queried as to the need for the project.

At present the property does not generate income for our client, has an assessed value of \$ 44,600 as vacant land, and has little potential of being purchased.

The proposed developments will allow income to be derived, and increase the value of the site and its potential to be purchased.

Summary

The Site Plan and substantiating plans and documents submitted to the Board present a project that is in conformance with all applicable regulations and requirements and presents uses that our client believes to be economically viable.

Please inform us if additional information or additional copies of any documents are required.

We desire that we receive copies of any documents received by the Board related to this matter in a timely manner to allow us to prepare responses.

Thank you for the considerations given to this matter.

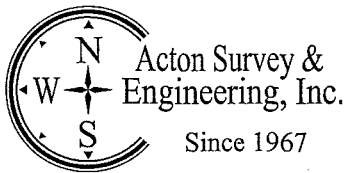
Very truly yours,



Mark T. Donohoe, PE
for: Acton Survey & Engineering, Inc.

cc: Leo Bertolami
Richard A. Nylen, Esq.
Kanayo Lala, PE
Planning Department
Engineering Department
Building Department
Fire Chief
Acton Water District

Copies of plans were not sent to the above parties. Please contact us if plans are desired.

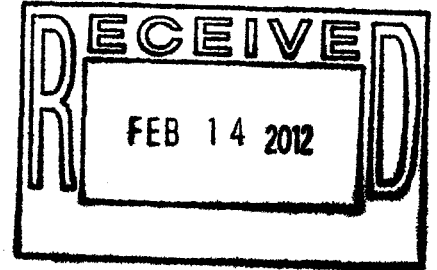


PO Box 666, 97 Great Road, Suite 6
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actonsurvey@actonsurvey.com

ASE 6055

February 13, 2012

Chris Allen, District Manager
Acton Water District
693 Massachusetts Avenue
Post Office Box 953
Acton, MA 01720



Re: 65 Powder Mill Road
a/k/a 40 Sudbury Road

Dear Chris:

The Acton Board of Selectmen has requested that I forward the enclosed plan to you for comments as a portion of the site to be developed is now shown by DEP to be in a Zone II of a public Water Supply. The Zone II extends from the Assabet Wells southerly into Sudbury and Maynard [see attached sheet]. Acton has adopted the location of the line defining the Zone II as being Groundwater Protection District 2 and as show on the site plan, the Zone Line extends across the site and proposed building.

A copy of a print out from the MassGIS website is enclosed.

The building has a net floor area of 1,760 square feet and is being constructed as a studio, tradesman shop [a garage office for a plumber, electrician, etc] or some other low impact use.

The use of the site for automobile services is prohibited by Zoning.

The Board of Selectmen has continued the Hearing for this matter to March 12, 2012.

Please contact me if I may provide you with additional information.

Thank you for any consideration you may give this matter.

Very truly yours,

Mark T. Donohoe, PE
for: Acton Survey & Engineering, Inc.

cc: Leo Bertolami
Acton Board of Selectmen
Acton Town Planner

